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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 December 2008*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3-21,23-41 and 43-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-21, 23-41 and 43-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      This Final Office action is in response to the application filed on August 20th,

2003 and in response to the applicant's response filed on December 11th, 2008.

Claims 1, 3-21, 23-41 and 43-60 are pending.

### *Response to Arguments*

2.      Applicant's arguments, with respect to 35 U.S.C. 101 Double Patenting of claims

1-9, 11-16, 20-29, 31-36, 40-49, 51-56 and 60 have been fully considered and are

persuasive in view of the amended claim language.  The 35 U.S.C. 101 Double

Patenting of claims 1-9, 11-16, 20-29, 31-36, 40-49, 51-56 and 60 has been withdrawn.

3.      Applicant's arguments, with respect to 35 U.S.C. 112 $2^{nd}$ paragraph rejection of

claims 2, 18, 22, 38, 42, and 58 have been fully considered and are persuasive.  The 35

U.S.C. 112 $2^{nd}$ paragraph rejection of claims 2, 18, 22, 38, 42, and 58 has been

withdrawn.

4.      Applicant argues that the prior art does not specifically teach "applying the NPV

forecast rules to the selected accounts and applying NPV attrition rules to results of the

NPV forecast rules." Examiner respectfully disagrees.  Examiner notes that applicant's

specification conceptually defines attrition rates as "the rate at which a cash flow will be

decreased" (page 8, lines 25-26).  Johnson teaches a discount factor.  One skilled in the

art at the time the invention was made would understand that a discount factor is a rate

used to discount or decrease future cash flow.  Sandretto also teaches applying attrition

rules/risk/rates (abstract & column 8, line 60-column 9, line 9).  Examiner further notes

that applying both attrition and propensity rates/rules/etc. as measures of risk as taught

by Johnson and Sandretto allow for accounting for both the increases and decreases of

value needed to more accurately estimate future value resulting from expected price

changes such as inflation.  Examiner asserts that Sandretto teaches applying one or

more NPV forecast rules (inflation-adjusted cash flows) to the selected accounts and

applying one or more NPV attrition rules (discounting the inflation-adjusted cash flows at

the discount rate) to results of the NPV forecast rules using the selected amounts and

rates.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.      Claims 1, 3-5, 7, 10, 21-23, 27, 30, 1-43, 47, and 50 are rejected under 35 U.S.C.

103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al

(hereinafter Johnson) in view of US Patent Number 5,812,988 to Sandretto (hereinafter

Sandretto).

As per claims 1, 21 and 41
Johnson discloses selecting accounts, amounts and rates (asset data and
discount factor) from account data stored in a database using selection criteria specified
by one or more rules (column 4, lines 10-19) and performing one or more Net Present
Value (NPV) calculations on the selected accounts by applying one or more NPV
forecast rules (discount factor) to the selected accounts using the selected amounts and
rates, wherein the NPV calculations determine a net present value of an expected
profitability value (score) of the selected accounts (column 9, lines 3-26).
Examiner notes that Johnson teaches a discount factor.  One skilled in the art at
the time the invention was made would understand that a discount factor is a rate used
for forecasting either by increasing or decreasing future cash flows to obtain a net

present value (NPV). Examiner also notes that the act of "retrieving data" based on "given criteria" is in it of itself selection criteria. The rules by which this data is retrieved can be anything such as a rule to only access the required information instead of always retrieving everything and anything possible in the database. Examiner asserts that there must be some set of rules/guidelines to select information, otherwise the correct/required information wouldn't be accessed. Also, Johnson teaches a discount factor (column 9, lines 3-26), which would have inherently needed to be accessed from a database to use in the determination of NPV. One skilled in the art at the time of the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flows to obtain a net present value.

Johnson does not specifically teach applying NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules.

Sandretto teaches applying NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules and determining the net present value of the selected accounts from results of the NPV attrition calculations (column 8, line 60- column 9, line 9).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to apply NPV forecast rules to the selected accounts and applying the NPV attrition rules to results of the forecast rules as taught by Sandretto to account for both the increases and decreases of value needed to more accurately estimate future value.

As per claims 3, 23 and 43
Johnson discloses the NPV is a net present profitability value (column 9, lines 1-2).

As per claims 4, 24 and 44
Johnson discloses the selected accounts contain current profitability values (current appraisal amount) (column 18, lines 8-20). Examiner notes that $C_o$ is the investment at time 0 and therefore it would have been obvious to one skilled in the art at the time the invention was made that a current profitability value would be the value at the present time, time 0.

As per claims 5, 25 and 45
Johnson discloses the current profitability data is aggregated to provide an initial amount for the NPV calculations ($C_o$) (column 9, lines 6 and 9).

As per claims 7, 27 and 47
Johnson discloses the selected rates are NPV forecast rates (discount factor) (column 9, lines 3-10).

As per claims 10, 30 and 50
Johnson discloses matching the NPV forecast rule against the selected accounts (column 4, lines 10-15 and column 9, lines 3-11), calculating amounts for each forecast

period using the NPV forecast rule (column 9, lines 3-11) and storing the amounts (Figure 14, column 4, lines 10-19, column 5, line 37-column 6, line 2 and column 10, lines 30-60). Examiner notes that Johnson further discloses assessing asset and respective data using an iterative and adaptive process (column 4, lines 10-13).

Johnson does not specifically teach obtaining an amount to be forecast from the matched accounts using forecast amount selection criteria specified in the NPV forecast rule, obtaining account level information needed from the matched account data, obtaining an Assumed Cash Flow for the matched accounts, obtaining a Contractual Cash Flow from matched accounts and mapping remaining terms of the matched accounts to forecast periods.

Sandretto teaches obtaining an amount to be forecast from the matched accounts using forecast amount selection criteria specified in the NPV forecast rule, obtaining account level information needed from the matched account data (an initial set of cash flows), obtaining an Assumed Cash Flow and a Contractual Cash Flow from matched accounts (additional estimated cash flows based upon different estimates for one or more economic variables) and mapping remaining terms of the matched accounts to forecast periods (initial input risk measure, inflation rate, initial discount rate) (column 8, line 53- column 9, line 19 and column 14, lines 20-61).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the NPV of Johnson to include obtaining an amount to be forecast from the matched accounts using forecast amount selection criteria specified in the NPV forecast rule, obtaining account level information needed from the matched account data, obtaining an Assumed Cash Flow for the matched accounts, obtaining a Contractual Cash Flow from matched accounts and mapping remaining terms of the matched accounts to forecast periods as taught by Sandretto to increase the accuracy of the NPV calculation.

6.      Claims 6, 26 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US

Patent Number 5,812,988 to Sandretto (hereinafter Sandretto) further in view of US

Patent Number 5,852,811 to Atkins (hereinafter Atkins).

As per claims 6, 26 and 46
Johnson does not specifically teach the selected amounts are forecast amounts.
Atkins discloses the selected amounts are forecast amounts (projected future value of the asset) (column 25, lines 39-45 & 59-65).
Therefore it would have been obvious to one skilled in the art at the time the invention was made that the selected amounts are forecast amounts as taught by Atkins as a type of selected amount found in the database to select in order to determine values and rates regarding the asset utilizing the time value money equations.

7.      Claims 8-9, 11-16, 20, 28-29, 31-36, 40, 48-49, 51-56 and 60 are rejected under

35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson

et al (hereinafter Johnson) in view of US Patent Number 5,812,988 to Sandretto

(hereinafter Sandretto) further in view of the Fundamentals of Financial Management by

Kuhlemeyer (hereinafter Kuhlemeyer).

As per claims 8, 28 and 48
Johnson does not specifically teach a user specifies one or more forecast
periods over which the NPV calculations are performed.
Kuhlemeyer teaches a user specifies one or more forecast periods over which
the NPV calculations are performed (slides 5, 10 and 11).
Therefore it would have been obvious to one skilled in the art at the time the
invention was made to permit a user to specify one or more forecast periods over which
the NPV calculations are performed as taught by Kuhlemeyer to allow comparisons of
future values at different time periods.  It is required to recognize a range of situations
including the worst case in order to make a business judgment considering a measure
for risk management.

As per claims 9, 29 and 49
Johnson does not specifically teach a user specifies one or more rates for the
forecast periods.
Kuhlemeyer teaches a user specifies one or more rates for the forecast periods
(slides 5, 10 and 11).
Therefore it would have been obvious to one skilled in the art at the time the
invention was made to permit a user to specify one or more rates for the forecast
periods as taught by Kuhlemeyer to allow comparisons of future values at different time
periods using specific rates.  It is required to recognize a range of situations including
the worst case in order to make a business judgment considering a measure for risk
management.

As per claims 11, 31 and 51
Johnson discloses calculating the time value of money (column 12, lines 34-36).
Johnson does not specifically teach the NPV forecast rule comprises a Constant
(no compounding) method according to:
$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated
amount by forecast period, $Amount_o$ is the initial amount, $R_o$ is the initial rate, i is the
forecast period, j is the first month in a forecast period, and k is the last month in a
forecast period.
Kuhlemeyer teaches teach the NPV forecast rule comprises a Constant (no
compounding) method according to:

$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), $R_o$ is the initial rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 6, 8, & 11). Examiner notes that although Kuhlemeyer does not specifically teach $((k-j +1)/12)$ it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use $((k-j +1)/12)$ to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises a Constant (no compounding) method according to:

$Amount_i = Amount_o * (1 + R_o) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_o$ is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a calculation of the future value of present money without compounding.

As per claims 12, 32 and 52
Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson does not specifically teach the NPV forecast rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k -j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_m$ is the monthly rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches the NPV forecast rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k -j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), $R_m$ is the monthly rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that although Kuhlemeyer does not specifically teach $((k-j +1)/12)$ it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use $((k-j +1)/12)$ to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k -j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_m$ is the monthly rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a calculation of the future value of present money with compounding.

As per claims 13, 33 and 53

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson does not specifically teach the NPV forecast rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_o$ is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.

Kuhlemeyer teaches the NPV forecast rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), $R_o$ is the initial rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that $(i * (R_o / 12))$ can be rearranged to its equivalent $(R_o * (i / 12))$. Therefore, although Kuhlemeyer does not specifically teach (i/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use (i/12) to denote a rate proportionate to the duration of time year to enable use of the same equation for shorter periods of time. Examiner further notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises an Additive (no compounding) method according to:

$Amount_i = Amount_o * (1 + i * (R_o / 12)) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_o$ is the initial rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific value of money equation as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money without compounding.

As per claims 14, 34 and 54

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson does not specifically teach the NPV forecast rule comprises an Additive (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1 * Rate_2 * ... * Rate_i$ (i).

Kuhlemeyer teaches the NPV attrition rule comprises an Additive (with compounding) method according to:

$Amount_i$ = $Amount_o$ * (1 + Compounded_Rate) * ((k-j + 1)/12) where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1$ * $Rate_2$ * ... * $Rate_i$ (slides 8, 11 & 24). Examiner notes that a compounded rate to one skilled in the art at the time the invention was made would be found by $(1+Rate_1)*(1+Rate_2)*...*(Rate_j)$, whereby when the rates are equivalent would be the equivalent of $(1+Rate)^j$ which the reference clearly shows in slides 8 and 11. However, as written examiner notes that Compounded_Rate is $Rate_1$ * $Rate_2$ * ... * $Rate_i$ whereby when the rates are equivalent could be rewritten as $Rate^j$. $Rate^j$ is in essence another value or rate that the reference teaches in slides 8 and 11. Examiner further notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises an Additive (with compounding) method according to:

$Amount_i$ = $Amount_o$ * (1 + Compounded_Rate) * ((k-j + 1)/12) where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and Compounded_Rate is $Rate_1$ * $Rate_2$ * ... * $Rate_i$ (i) as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money with compounding.

As per claims 15, 35 and 55
Johnson discloses calculating the time value of money (column 12, lines 34-36).
Johnson does not specifically teach the NPV forecast rule comprises a Manual (no compounding) method according to:
$Amount_i$ = $Amount_0$ * (1 + $R_{man}$) * ((k -j + 1) / 12) where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_{man}$ is the manual rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period.
Kuhlemeyer teaches the NPV forecast rule comprises a Manual (no compounding) method according to:
$Amount_i$ = $Amount_0$ * (1 + $R_{man}$) * ((k -j + 1) / 12) where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), $R_{man}$ is the manual rate (i), i is the forecast period (n), j is the first month in a forecast period, and k is the last month in a forecast period (slides 8, 11 & 24). Examiner notes that although Kuhlemeyer does not specifically teach ((k-j +1)/12) it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use ((k-j +1)/12) to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises a Constant (with compounding) method according to:

$Amount_i = Amount_o * (1 + R_m)^i * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, $R_m$ is the monthly rate, i is the forecast period, j is the first month in a forecast period, and k is the last month in a forecast period as a specific time value of money equation as taught by Kuhlemeyer to allow for a manual calculation of the future value of present money without compounding.

As per claims 16, 36 and 56

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson does not specifically teach the NPV forecast rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k - j + 1) / 12)$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$.

Kuhlemeyer teaches the NPV forecast rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k - j + 1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period, j is the first month in a forecast period, k is the last month in a forecast period, and $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$ (slides 8, 11 & 24). Examiner notes that a compounded rate to one skilled in the art at the time the invention was made would be found by $(1+Rate_1)*(1+Rate_2)*...*(Rate_j)$, whereby when the rates are equivalent would be the equivalent of $(1+Rate)^j$ which the reference clearly shows in slides 8 and 11. However, as written examiner notes that $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$ whereby when the rates are equivalent could be rewritten as $Rate^j$. $Rate^j$ is in essence another value or rate that the reference teaches in slides 8 and 11. Examiner further notes that although Kuhlemeyer does not specifically teach $((k-j+1)/12)$ it uses a forecast period measured by years and it would have been obvious to one skilled in the art at the time the invention was made to use $((k-j+1)/12)$ to denote a proportion of a year to enable use of the same equation for shorter periods of time.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises a Manual (with compounding) method according to:

$Amount_i = Amount_o * (1 + Compounded\_Rate) * ((k-j+1)/12)$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV), i is the forecast period (n), j is the first month in a forecast period, k is the last month in a forecast period, and $Compounded\_Rate$ is $Rate_1 * Rate_2 * ... * Rate_i$ (i) as taught by Kuhlemeyer to allow for an additive calculation of the future value of present money with compounding.

As per claims 20, 40 and 60

Johnson discloses calculating the time value of money (column 12, lines 34-36).

Johnson does not specifically teach the NPV forecast rule comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount.

Kuhlemeyer teaches the NPV forecast comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period (FV), $Amount_o$ is the initial amount (PV) (slide 3).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to incorporate the NPV forecast rule comprises a Constant method according to:

$Amount_i = Amount_o$ where $Amount_i$ is the calculated amount by forecast period, $Amount_o$ is the initial amount, and i is the forecast period as taught by Kuhlemeyer to allow for a constant calculation of the future value of present money.

### *Allowable Subject Matter*

8.      Claims 17, 19, 37, 39, 57 and 59 objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

9.      Claims 18, 38 and 58 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims and if rewritten to overcome the

rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to

include all of the limitations of the base claim and any intervening claims pending results

of 27 CFR 1.105.

### *Conclusion*

10.     The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US Patent Number 6,901,406 to Nabe et al. discloses models

used to determine profitability analysis, and probability scores in relation to response,

attrition and risk. US Patent Number 7,249,138 to Wasserman discloses performing financial processing by selecting accounts from a database and performing profitability calculations on the accounts selected from the database. US Patent Application Number US2002/0174049 to Kitahara discloses an analysis processor of profit models. WIPO Publication Number WO03/067395 to Breeden et al. discloses a modeling engine to determine forecasts from a portfolio database.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jessica L Lemieux
Examiner
Art Unit 3693

/J. L. L./
Examiner, Art Unit 3693
February 2009

/Stefanos Karmis/
Primary Examiner, Art Unit 3693